

IN THE U.S. DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
(Columbus)

FEDERAL WAREHOUSE COMPANY,

Plaintiff,

v.

NATIONWIDE LIFE INSURANCE
COMPANY, and RMTS, LLC,

Defendants.

CASE NO. 2:08-cv-275-JDH-MRA

Judge John D. Holschuh

Magistrate Judge Mark R. Abel

MOTION FOR SUMMARY JUDGMENT

NOW COMES the Defendant, FEDERAL WAREHOUSE COMPANY (“Federal”), by its attorneys, Elias, Meginnis, Riffle & Seghetti, P.C., and moves, pursuant to Rule 56(b) of the Federal Rules of Civil Procedure, for summary judgment. In support hereof, Federal submits the accompanying Memorandum of Law in Support of Motion for Summary Judgment on Counts I and II of the Complaint, which, together with the Affidavits attached thereto, shows that there is no genuine issue as to any material fact as relates to Counts I and II of the Complaint, and that Federal is entitled to Judgment in its favor on these two Counts.

WHEREFORE, Federal respectfully requests that this honorable Court award Federal summary judgment on Counts I and II of the Complaint, and award such other and further relief as may be deemed by the Court to be just and appropriate under the circumstances.

FEDERAL WAREHOUSE COMPANY,
Plaintiff

By: /s/ Robert M. Riffle
One of its attorneys

Peter L. Cassady
Brian R. Redden (0070610)
Beckman Weil Shepardson LLC
300 Pike Street
Suite 400
Cincinnati, Ohio 45202
Telephone: (513) 621-2100
Facsimile: (513) 621-0106
petercassady@beckman-weil.com
bredden@beckman-weil.com
609-808

Co-counsel, admitted pro hac vice:

Robert M. Riffle, Esq.
Janaki Nair, Esq.
Elias, Meginnes, Riffle & Seghetti, P.C.
416 Main Street, Suite 1400
Peoria, Illinois 61602
Telephone: (309) 637-6000
Facsimile: (309) 637-8514
rriffle@emrslaw.com
jnair@emrslaw.com

CERTIFICATE OF SERVICE

The undersigned certifies that on the 30th day of December, 2009, a copy of the foregoing document was served upon each party to this case in the following manner:

- _____ Enclosing a true copy of same in an envelope addressed to the attorney of record of each party or the party as listed below, with first class postage fully prepaid, and depositing each of said envelopes in the United States Mail at 5:00 p.m. on said date.
- _____ Personal delivery to the attorney of record of each party at the address(es) listed below
- X E-mail with confirmation by United States Mail
- _____ Via Federal Express - Express Package Service - Priority Overnight

Terrance Michael Miller
Daniel B. Miller
Porter Wright Morris & Arthur
41 South High Street
Columbus, Ohio 43215
tmiller@porterwright.com
dmiller@porterwright.com

Jessica A. Zemsky
Larry H. Lum
Wilson, Elser, Moskowitz, Edleman
& Dicker LLP
150 East 42nd Street
New York, New York 10017-5639
jessica.zemsky@wilsonelser.com
larry.lum@wilsonelser.com

/s/ Robert M. Riffle
Robert M. Riffle, Esq.

Peter L. Cassady (#0005562)
Brian R. Redden (#0070610)
Beckman Weil Shepardson LLC
300 Pike Street
Suite 400
Cincinnati, Ohio 45202
Telephone: (513) 621-2100
Facsimile: (513) 621-0106
petercassady@beckman-weil.com
bredden@beckman-weil.com

Robert M. Riffle, Esq.
Janaki Nair, Esq.
Elias, Meginnes, Riffle & Seghetti, P.C.
416 Main Street, Suite 1400
Peoria, Illinois 61602
Telephone: (309) 637-6000
Facsimile: (309) 637-8514
rriffle@emrslaw.com
jnair@emrslaw.com